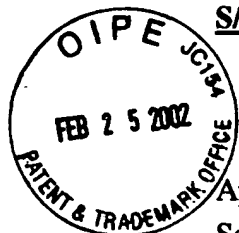


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S/N 09/606,137

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Michael E. Moseley et al. Examiner: J. Lin  
Serial No.: 09/606,137 Group Art Unit: 3737  
Filed: June 28, 2000 Docket: 500.003US1  
Title: IMAGING METHODS FOR VISUALIZING IMPLANTED LIVING  
CELLS

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**AMENDMENT TO FIRST OFFICE ACTION UNDER 37 CFR 1.115**

Box AMENDMENT  
Assistant Commissioner for Patents  
Washington, D.C. 20231

This Amendment is being filed in response to the Office Action mailed on October 3, 2001. The excess claim fee and any fees for extension of time are to be paid by debiting Deposit Account Number 50-1391.

**IN THE CLAIMS**

**PLEASE AMEND THE CLAIMS AS FOLLOWS, WITH A CLEAN COPY OF AMENDED CLAIMS BEING PROVIDED AS AN APPENDIX IN THIS OFFICE ACTION:**

1. (AMENDED) A method for indicating viability of implanted stem cells, progenitor cells, or differentiated cells, [cells] the method being performed with a medical device that supports at least one sensing function, the method comprising:

non-destructively observing a region of a patient to where stem cells, progenitor cells, or differentiated cells have been implanted;

sensing a property within said region of a patient that is indicative of cell viability or lack of viability of implanted stem cells, progenitor cells, or differentiated cells; and

using data from sensing said property within said region to indicate cell viability from an implant of stem cells, progenitor cells, or differentiated cells [with] within the

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